



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(MBHB Case No. 97,022-G1)

In re Application of:	)	
	)	
Dunlay, et al.	)	
	)	
Serial No.: 09/721,168	)	Examiner: C. Cheu
	)	
Filed: November 22, 2000	)	Group Art Unit: 1641
	)	
For: A System for Cell-Based Screening	)	

**BOX: ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Notification of loss of entitlement to small entity status under 37 CFR 1.27(g)(2)**


The Applicants hereby notify the U.S. PTO of the loss of entitlement to small entity status in the above-referenced application. As a result, the Applicants are herewith paying the issue fee as a large entity.

If there are any questions about this matter, the patent office is invited to call the undersigned attorney at (312) 913-2106.

Respectfully Submitted,

Date: 8/30, 2005

By:

  
\_\_\_\_\_  
David Harper  
Reg. No. 42,636  
**McDonnell, Boehnen  
Hulbert & Berghoff LLP**  
300 South Wacker Drive  
Chicago, IL 60606



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**TRANSMITTAL LETTER**

1. We are transmitting herewith the attached papers for the above-identified patent application:

- ☒ Comment on USPTO Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (1 sheet);
- ☒ Notification of Loss of Small Entity Status Under 37 CFR 1.27(g)(2) (1 sheet);
- ☒ Issue Fee Transmittal (PTOL-85)(1 sheet);
- ☒ Return Receipt Postcard

2. With respect to Fees:

- ☒ Enclosed please find a check in the amount of \$1,415.00 for the Large Entity Issue Fee (\$1,400.00) and Five (5) Copies (\$15.00).

2. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Patents, MAIL STOP: ISSUE FEE, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30<sup>th</sup> day of August, 2005. Express Mail No. **EV596645600US**.

By: \_\_\_\_\_

**David S. Harper**

**Reg. No. 42,636**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 97,022-G1)

In the Application of:

Dunlay et al.

Serial No.: 09/721,168

Filed: November 22, 2000

Title: A System for Cell Based Screening

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)  
) Art Unit: 1641  
)  
) Examiner: C. Cheu  
)  
)  
)

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENT ON USPTO DETERMINATION OF PATENT TERM ADJUSTMENT  
UNDER 35 U.S.C. 154 (b)

Dear Sir:

Compliant with the practitioner's duty of candor and good faith in practice before the Office, Applicants wish to comment on the USPTO determination of patent term adjustment under 35 U.S.C. 154(b) as follows:

Applicants note that the USPTO has calculated the Patent Term Adjustment of the above identified application to be 560 days. Applicants are in agreement with this determination. However, Applicants note that the USPTO calculation of patent term adjustment may be longer than appropriate if the filing of a Notice of Appeal constitutes a "supplemental reply or other paper" under 37 C.F.R. § 1.704(c)(8).

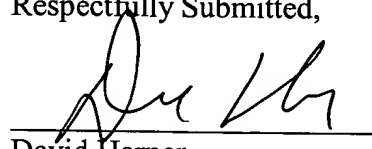
Furthermore, Applicants note that a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent has been filed in this application, which may alter the applicability of the Patent Term Adjustment.

Date:

8/30/05

Respectfully Submitted,

By:



David Harper  
Reg. No. 42,636  
McDonnell Boehnen  
Hulbert & Berghoff LLP  
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Chicago, IL 60606